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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 09/776,865 | 02/02/2001 | Carl G. Hellerqvist | 22100-0100 (46126-252687) | 7056 |
| 7590 | 04/20/2006 | | EXAMINER | |
| KILPATRICK STOCKTON LLP SUITE 2800 1100 PEACHTREE STREET ATLANTA, GA 30309-4530 | | | RAWLINGS, STEPHEN L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1643 | |

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

EXAMINER

ART UNIT PAPER

20060417

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment

1. The amendment filed February 6, 2006, is non-responsive for the following reason:

The amendment would amend all claims, which were previously drawn to the elected invention, so as to present only claims drawn to a non-elected invention.

The claims, as would be amended, are not readable on the elected invention for the following reasons:

Claims 1 and 4-16, as would be amended, would be directed to a method for attenuating pathological angiogenesis; in contrast, the originally presented claims, which were directed to the elected invention of Groups 1 and 11 (after rejoinder of the claims directed to the invention of Group 11), were drawn to a method for preventing or attenuating cancer in a mammal comprising administering to the mammal a composition comprising one or more GBS toxin receptors or immunogenic fragments thereof, or otherwise drawn to this composition comprising said receptors or fragments. So, in keeping with the disposition of the claims as set forth in the restriction and election requirement of the Office action mailed May 21, 2002, claims 29-38 and 40-48 are then directed to a composition for use in attenuating pathological angiogenesis, whereas claims 55 and 56 are drawn to a method for producing a composition for use in attenuating pathological angiogenesis. As such, if the amendment were to be entered, none of the claims would be directed to the elected invention.

Accordingly, the amendment, which presents only claims drawn to a non-elected invention, is considered non-responsive. See 37 CFR 1.142(b) and MPEP § 821.03.
2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1643

slr
April 17, 2006